



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 06-142

Date: December 19, 2006

Application No. 2006-02217

Expiration: January 18, 2007

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS AND COMMONWEALTH OF KENTUCKY

SUBJECT: Proposed Deposition of Fill Material into Six Wetland Sites (0.71 acres) and Thirty Tributaries of the Sugarcamp Branch, Moores Creek, Pond Creek, Dry Fork, and South Fork Rockcastle River Watersheds in Association with the Proposed Reconstruction of KY 30, (KTC Item No. 11-278.24), Laurel/Jackson Counties, Kentucky

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to Section 404 of the Clean Water Act (CWA). Before a permit can be issued, certification must be provided by the Commonwealth of Kentucky, Division of Water (KDOW), pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Commonwealth of Kentucky
Kentucky Transportation Cabinet (KTC)
c/o Mr. Roy Collins, Division of Environmental Analysis
200 Mero Street
Frankfort, Kentucky 40622

LOCATION: KY-30 Reconstruction Project (KTC Item No. 11-278.24) beginning near Sugarcamp Road at lat N37-16-00; lon W84-01-25 (Station 287+19.40), Crossing Several Tributaries and Wetlands Between Station 298+00 near South Fork Rockcastle River Mile 13.8, Right Bank, Laurel County and Station 643+42.6, ending east of Annville, Jackson County (N39-19-32; lon W83-56-59), Parrot/Annville, Kentucky Quadrangles

DESCRIPTION: This proposal is a portion of the entire KY-30 realignment from London to Tyner (KTC Item 11-278.00). The proposed new alignment would begin from Sugarcamp Road just north of South Fork Rockcastle River and proceed in a northeasterly direction for 6.82 miles until it reaches a new connector road back to the existing roadway. The purpose of the federally-funded work is to provide an improved highway facility in consideration of public transportation safety and efficiency.

The work would involve permanent impacts to wetlands, streams and isolated ponds within the proposed project route. There may also be temporary impacts resulting from associated access, traffic detour and/or equipment staging areas. The streams would be impacted by road crossings consisting of box and/or pipe culvert replacements, inlet/outlet channel alterations, and stream relocations. The wetlands would be impacted by roadway fills. Several small isolated ponds not requiring a DA permit would be impacted in association with the above work.

Out of the 30 tributaries to be impacted by the repair, replacement, installation of culverts and/or relocation, seven sites involving intermittent or perennial streams would require mitigation as noted below. Of the six wetlands to be impacted by embankment fill, only one exceeds 0.01 acre that would require mitigation as noted below.

Site 1 Left Sta. 298+00 to Left Sta. 303+30 – Construct 527’ of new channel on a unnamed perennial tributary to South Fork Rockcastle River, and 107’ of pipe culvert on an ephemeral tributary. Additionally, place fill in a wetland located in the floodplain of the perennial tributary. This replaces 764’ of perennial channel, 62’ of ephemeral channel, and 0.3 acres of wetlands. The total impact to waters is 0.340 acres of channel (0.039 acres of perennial, 0.001 acres of ephemeral and 0.3 acres of wetlands). The drainage area affected is 125.2 acres.

Site 5 Right Sta. 341+50 to Left Sta. 349+50 – Construct 294’ of pipe culvert with 260’ of inlet and 300’ of outlet channel improvements on an intermittent tributary to Sugarcamp Branch. This replaces 1067’ of existing channel (997’ of mainstream and 70’ of side channel). The impact to waters is 0.061 acres. The drainage area affected is 41.4 acres.

Site 17 Right Sta. 442+60 to Right Sta. 448+70 – Construct 286’ of an 8’X 5’ box culvert with 454’ of inlet channel improvement on a perennial tributary to Moores Creek. Additionally, construct 600’ of roadside drainage channel on an ephemeral tributary. This replaces 878’ of perennial and 327’ of ephemeral channel. The impact to waters is 0.085 acres (0.070 acres of perennial and 0.015 acres of ephemeral). The drainage area affected is 280.8 acres.

Site 18 Right Sta. 454+30 to Left Sta. 460+60 – Drain and fill a 0.374 acre pond and portions of its inlet channel and outlet channel on an intermittent tributary to Moores Creek. Approximately 0.1 acres of the pond is wetlands. This replaces 522’ of channel, an additional estimated channel length of 140’ through the pond, and the wetlands. The total impact to waters is 0.117 acres (0.012 acres of intermittent stream, 0.005 acres of intermittent “pond channel”, and 0.1 acres of wetlands). The drainage area affected is 23.5 acres.

Site 25 Right Sta. 566+60 to Right Sta. 576+40 – Construct 1008’ of roadside drainage channel on a perennial tributary to Dry Fork. Additionally, construct 160’ of pipe culvert on an ephemeral channel to the perennial stream. This replaces 1040’ of perennial channel and 165’ of ephemeral channel.

The total impact to waters is 0.054 acres (0.052 acres of perennial and 0.002 acres of ephemeral channel). The drainage area affected is 26.8 acres.

Site 29 Right Sta. 612+00 to Left Sta. 617+50 – Construct 152’ of pipe culvert with 400’ of outlet channel improvement on an intermittent tributary to Dry Fork. This replaces 581’ of existing channel. The impact to waters is 0.040 acres. The drainage area affected is 30.9 acres.

Site 32 Left Sta. 629+60 to Left Sta. 644+30 – Construct 228’ of pipe culvert (Approach Road) with 1207’ of inlet channel on an ephemeral/intermittent tributary to Pond Creek. The ephemeral headwaters flow through a 0.09 acre pond, with 0.04 acres of wetlands. Below the pond, and confluence with another stream not to be impacted, the channel becomes intermittent. This replaces an estimated channel length of 60’ through the pond, 644’ of ephemeral and 517’ of intermittent channel, and the wetlands. The total impact to waters is 0.070 acres (0.022 acres of intermittent channel, 0.007 acres of ephemeral, 0.001 acres of ephemeral “pond channel” and 0.04 acres of wetlands). The drainage area affected is 36.5 acres.

Stream Mitigation – The KTC indicates that on-site mitigation is not practical at these sites due to construction and right-of-way constraints. However, they propose to mitigate for the above stream impacts by participating in the In-Lieu-Fee Program whereby each stream is assessed according to its function and value, and assigned a compensatory mitigation ratio. Thus, the fees are calculated accordingly rendering an approximate cost of \$1.3 million dollars.

Each of the remaining stream crossings impact 0.1 acre or less of U.S. waters and therefore meet the criteria to be authorized under the Nationwide Permit (NWP) Program #14 Linear Transportation Projects. The KTC does not propose mitigation for these stream losses. A single-span 100’ bridge would be constructed at Station 415+66 over Moores Creek. No impacts to the river are anticipated. This work will not require a DA permit.

Wetland Mitigation – The KTC proposes to mitigate for the one impacted wetland at Site 1 which exceeds 0.1 acre of U.S. waters. They propose to mitigate for this impact on a 2:1 ratio within the Meadow Creek Wetland Mitigation Site in Wayne County, Kentucky. The remaining five wetland impacts are 0.1 acre or less and meet the criteria to be authorized under the Nationwide Permit (NWP) Program #14 Linear Transportation Projects. The KTC does not propose mitigation for these wetland losses.

In addition to the above, the KDOW may also require Individual Water Quality Certification for each of the stream crossings noted below since each exceeds 200’ linear footage. Mitigation may also be required.

Site 3 Sta. 323+40 – Construct 190’ of pipe culvert, with 27’ of inlet channel improvement on an intermittent tributary to Sugarcamp Branch.

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This replaces 280' of existing channel. The impact to waters is 0.010 acres. The drainage area affected is 19 acres.

Site 4 Sta. 331+06 – Construct 310' of pipe culvert on an intermittent tributary to Sugarcamp Branch and fill an ephemeral tributary. This replaces 407' of intermittent and 150' of ephemeral channel. The impact to waters is 0.031 acres (0.028 acres of intermittent and 0.003 acres of ephemeral). The drainage area affected is 36.9 acres.

Site 15 Right Sta. 429+00 to Left Sta. 432+00 – Construct 78' of pipe culvert (Moores Creek Road) with 208' of inlet channel improvement and outlet to 1245' of roadside drainage channel on an intermittent tributary to Moores Creek. Additionally, fill an isolated 0.054 acre pond. The undisturbed portion of the stream, downstream of the impact, will receive flow from another roadside drainage channel via another culvert (Moores Ck. Rd., Sta. 51+00). This replaces 298' of existing channel and 30' of existing culvert. The impact to waters is 0.007 acres of channel and 0.054 acres of pond. The drainage area affected is 60.8 acres.

Site 21 Sta. 482+33.79 – Construct 486' of pipe culvert, with wetlands located along the inlet channel on an intermittent tributary to Moores Creek. Additionally, fill an ephemeral tributary. This replaces 465' of intermittent channel, 150' of ephemeral channel, and 0.1 acres of wetlands. The impact to waters is 0.034 acres (0.032 acres of intermittent and 0.002 acres of ephemeral). The drainage area affected is 34.6 acres.

Site 23 Left Sta. 521+00 to Right Sta. 524+60 – Construct 490' of pipe culvert with 140' of inlet channel improvement on an ephemeral/intermittent tributary to Moores Creek. Another ephemeral drainage is also to be filled. This replaces 271' of intermittent and 536' of ephemeral channel. The total impact to waters is 0.012 acres (0.006 acres of intermittent and 0.006 acres of ephemeral). The drainage area affected is 22 acres.

Representative plans of the proposal are attached to this notice. A complete set of drawings for the crossings and fills are available for viewing upon request at the Corps of Engineers office or at the KTC office, c/o Mr. Roy Collins.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments may be used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments may also be used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and it appears that no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the state historic preservation officer.

The U.S. Fish and Wildlife Service (USFWS) must review proposed projects that may affect federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. The applicant consulted the USFWS and prepared a Biological Assessment dated August 30, 2005 regarding the potential to impact the federally-listed species Cumberland elktoe, Cumberlandian combshell, little-wing pearlymussel and oyster mussel (all mussel species); Virginia spiraea and running buffalo clover (plant species); the blackside dace (fish); and the bald eagle. Field surveys were performed during 2005 for all species to identify potential habitat and the presence of any listed species. Based upon the survey, the applicant notified the USFWS of their determination. The USFWS concurred with the applicant's determination that the work would have "no effect" upon the running buffalo clover since no habitat was identified. They also concurred that the work "is not likely to adversely affect" the remaining species. Informal consultation is being initiated with USFWS through issuance of the public notice. The USFWS will have an opportunity through the public notice process to provide additional comments.

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Other federal, state, and/or local approvals may also be required for the proposed work. Water quality certification from the Commonwealth of Kentucky is required in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before the expiration date will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Ms. Deborah T. Tuck, at the above address, telephone (615) 369-7518. Please direct any questions relative to the §401 Water Quality Certification to Ms. Jenni Garland, Kentucky Division of Water, telephone (502) 564-3410.

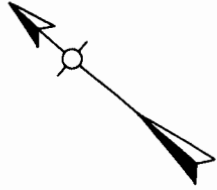
Detailed plans of the proposed work are available upon request. If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm> or contact Ms. Tuck.

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 APPLICANT: KENTUCKY TRANSPORTATION CABINET
 PARROT/ANNVILLE, KY USGS QUADRANGLE



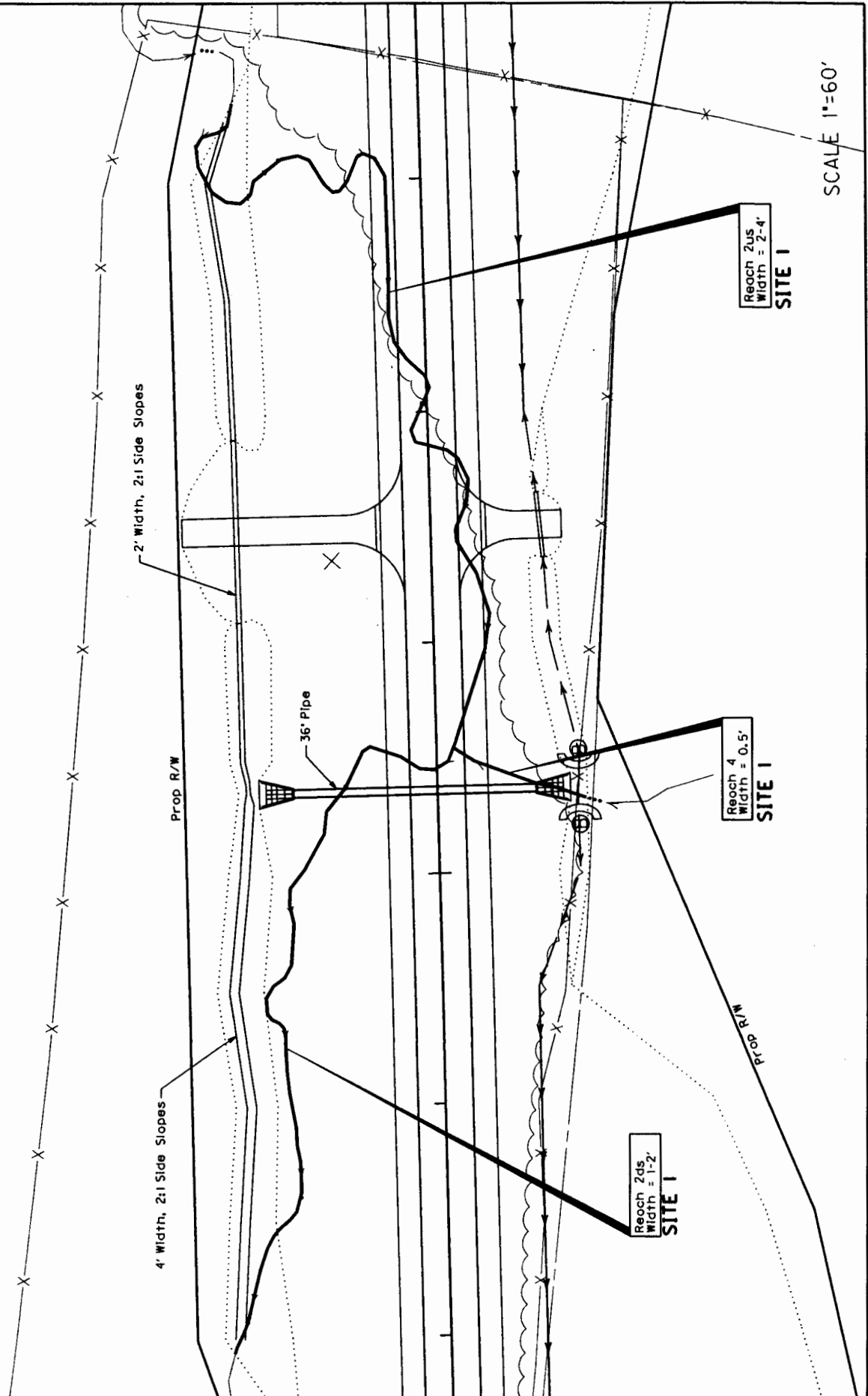
Kentucky Transportation	PROJECT: KY 30 RELOCATION			STREAMS: MOORES CREEK, POND CREEK & SOUTH FORK ROCKCASTLE RIVER		
	COUNTY: LAUREL/JACK	STATE: KENTUCKY	NEAR: ANNVILLE	ITEM: 11-278.24	VICINITY MAP 1/3	



303+00

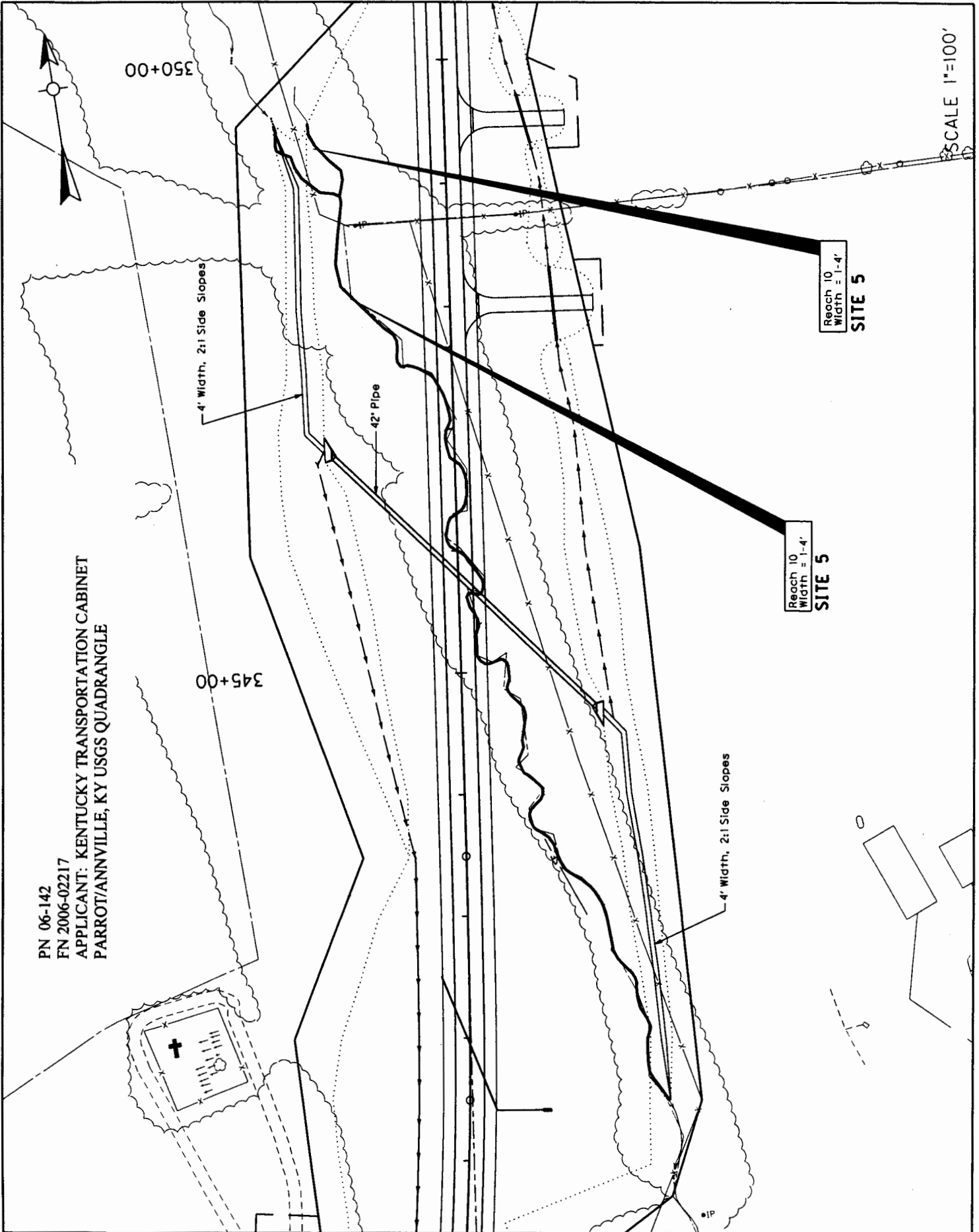
PN 06-142
FN 2006-02217
APPLICANT: KENTUCKY TRANSPORTATION CABINET
PARROT/ANNVILLE, KY USGS QUADRANGLE

300+00



SCALE 1"=60'

Kentucky Transportation	PROJECT: KY 30 - DETAIL OF SITE 1			STREAM:	
	COUNTY: LAUREL-JACKSON	STATE: KENTUCKY	STA 297+70 to STA 303+80	ITEM: 11-278.24	PLAN SHEET 55



Kentucky
Transportation

PROJECT: KY 30 - DETAIL OF SITE 5

STREAM:

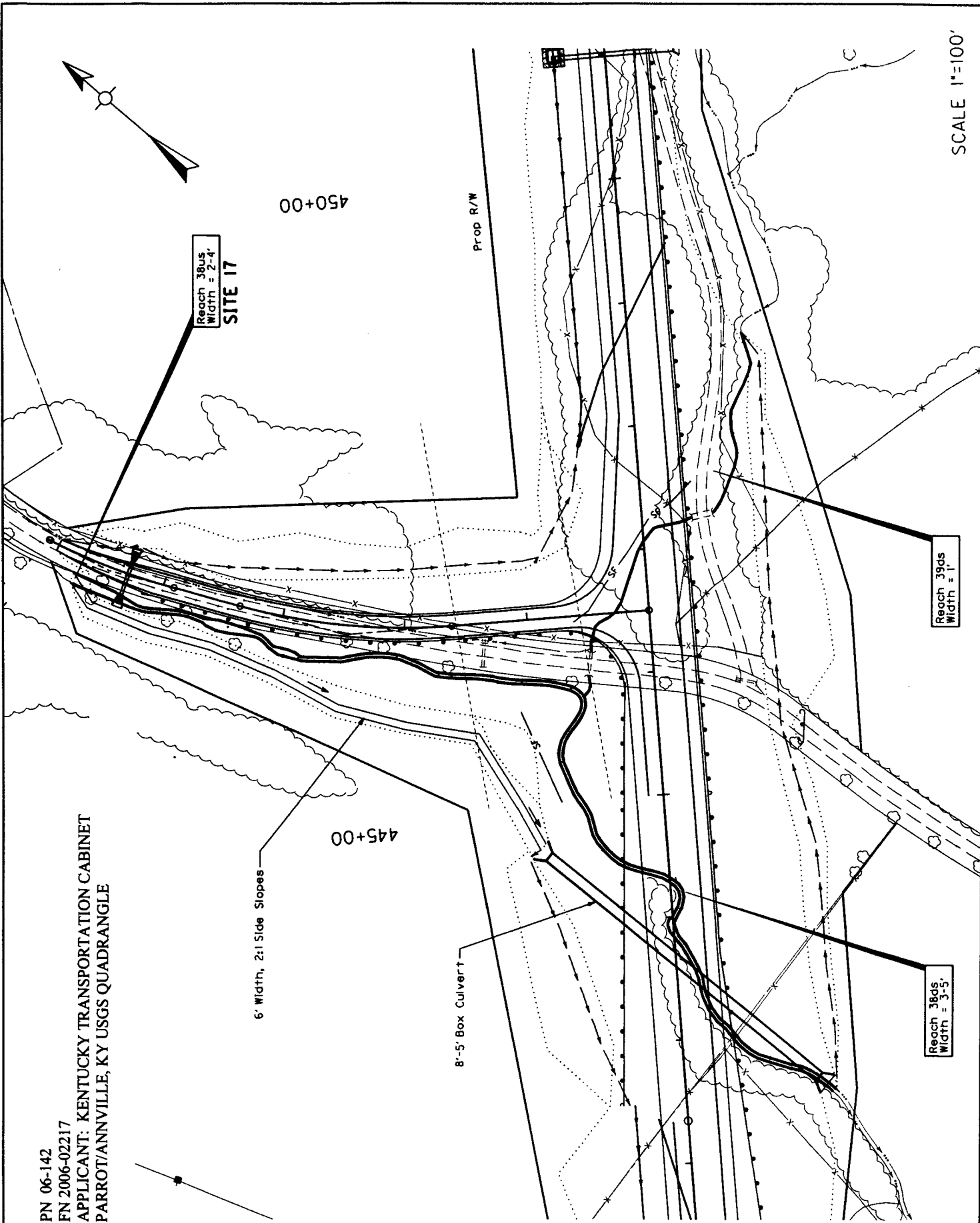
COUNTY: LAUREL-JACKSON

STATE: KENTUCKY

STA 339+40 to STA 350+50

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PLAN SHEET 56



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 FN 2006-02217
 APPLICANT: KENTUCKY TRANSPORTATION CABINET
 PARROT/ANNVILLE, KY USGS QUADRANGLE

Kentucky Transportation	PROJECT: KY 30 - DETAIL OF SITE 17			STREAM:	
	COUNTY: LAUREL-JACKSON	STATE: KENTUCKY	STA 340+00 to STA 355+00	ITEM: 11-278.24	PLAN SHEET 57

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APPLICANT: KENTUCKY TRANSPORTATION CABINET
PARROT/ANNVILLE, KY USGS QUADRANGLE

455+00

460+00

Prop R/W

V-Roadside Channel

Prop R/W

V-Roadside Channel

Reach 398ds
Width = 0-2'
SITE 18

Pond
Impact = 0.274 ac
Wetland B
Impact = 0.1 ac
SITE 18

Reach 398ds
Width = 0-1'
SITE 18

SCALE 1"=100'

Kentucky
Transportation

PROJECT: KY 30 - DETAIL OF SITE 18

STREAM:

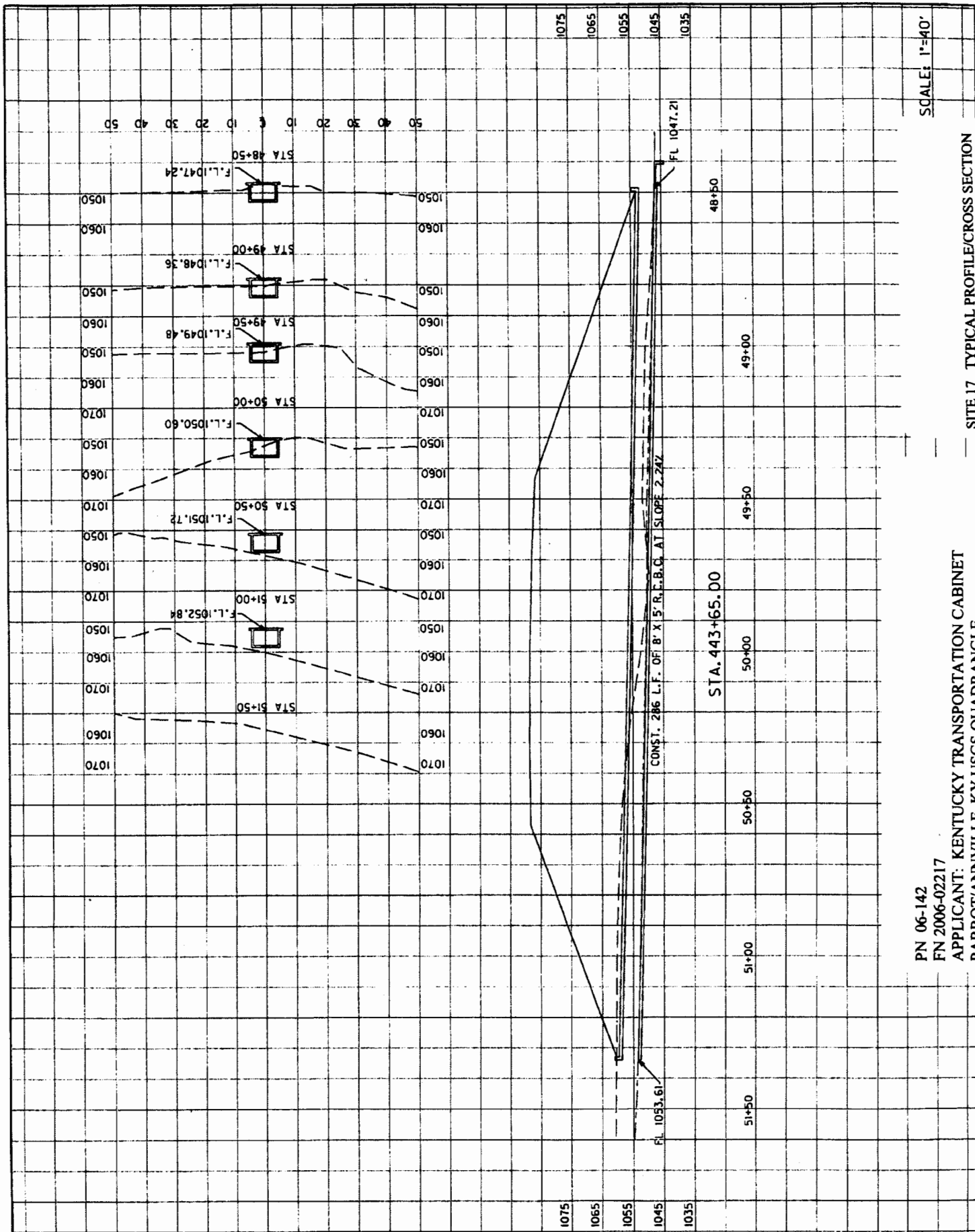
COUNTY: LAUREL-JACKSON

STATE: KENTUCKY

STA 452+00 to STA 462+60

ITEM: 11-278.24

PLAN SHEET 58

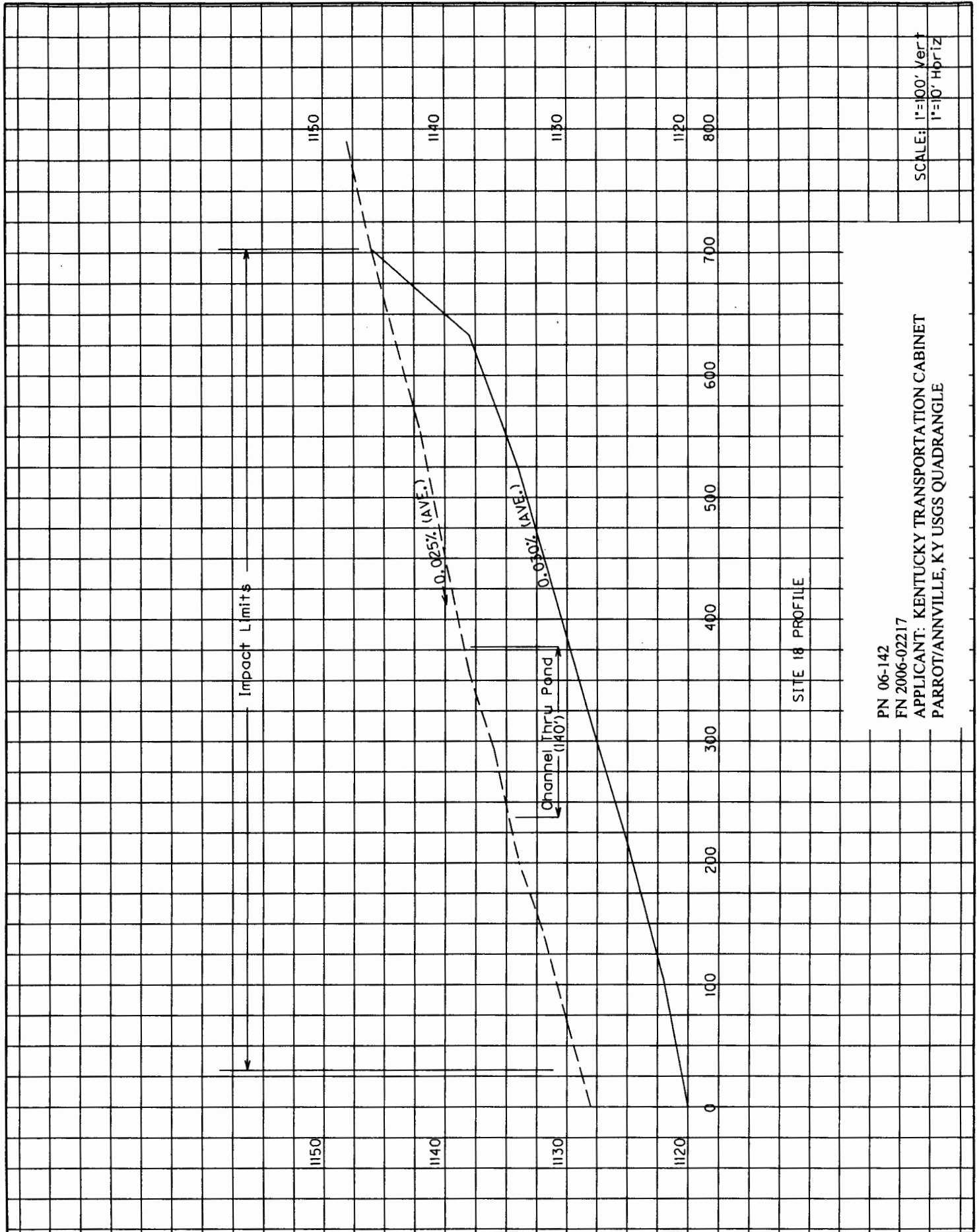


PN 06-142
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 APPLICANT: KENTUCKY TRANSPORTATION CABINET
 PARROT/ANNVILLE, KY USGS QUADRANGLE

SCALE: 1"=40'

— SITE 17 TYPICAL PROFILE/CROSS SECTION

Kentucky Transportation	PROJECT: KY 30 COUNTY: LAUREL-JACKSON	STATE: KENTUCKY	STA 443+65.00	ITEM: 11-278.24	PIPE SHEET 40
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PN 06-142

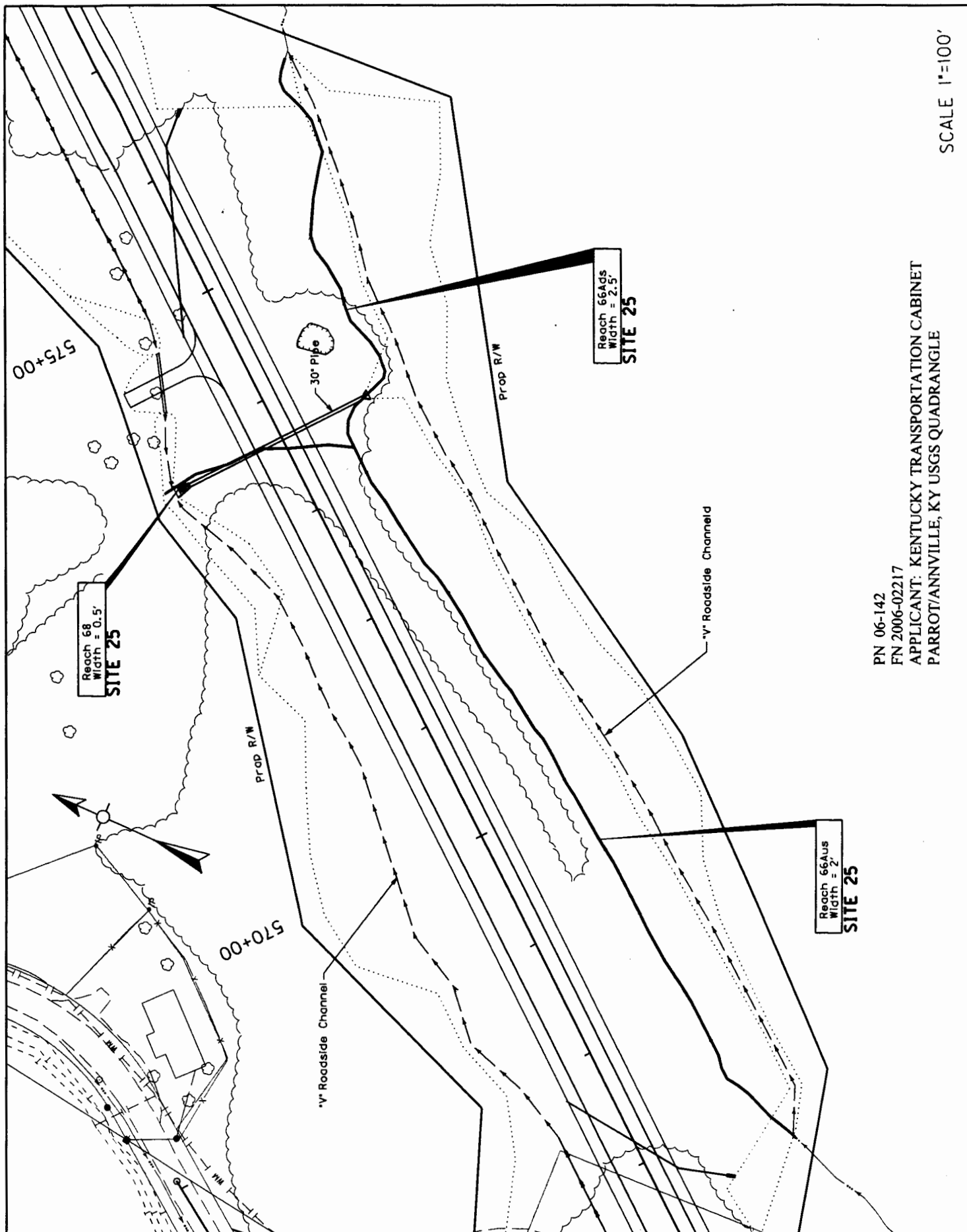
FN 2006-02217

APPLICANT: KENTUCKY TRANSPORTATION CABINET

PARROT/ANNVILLE, KY USGS QUADRANGLE

SCALE: 1"=100' Vert

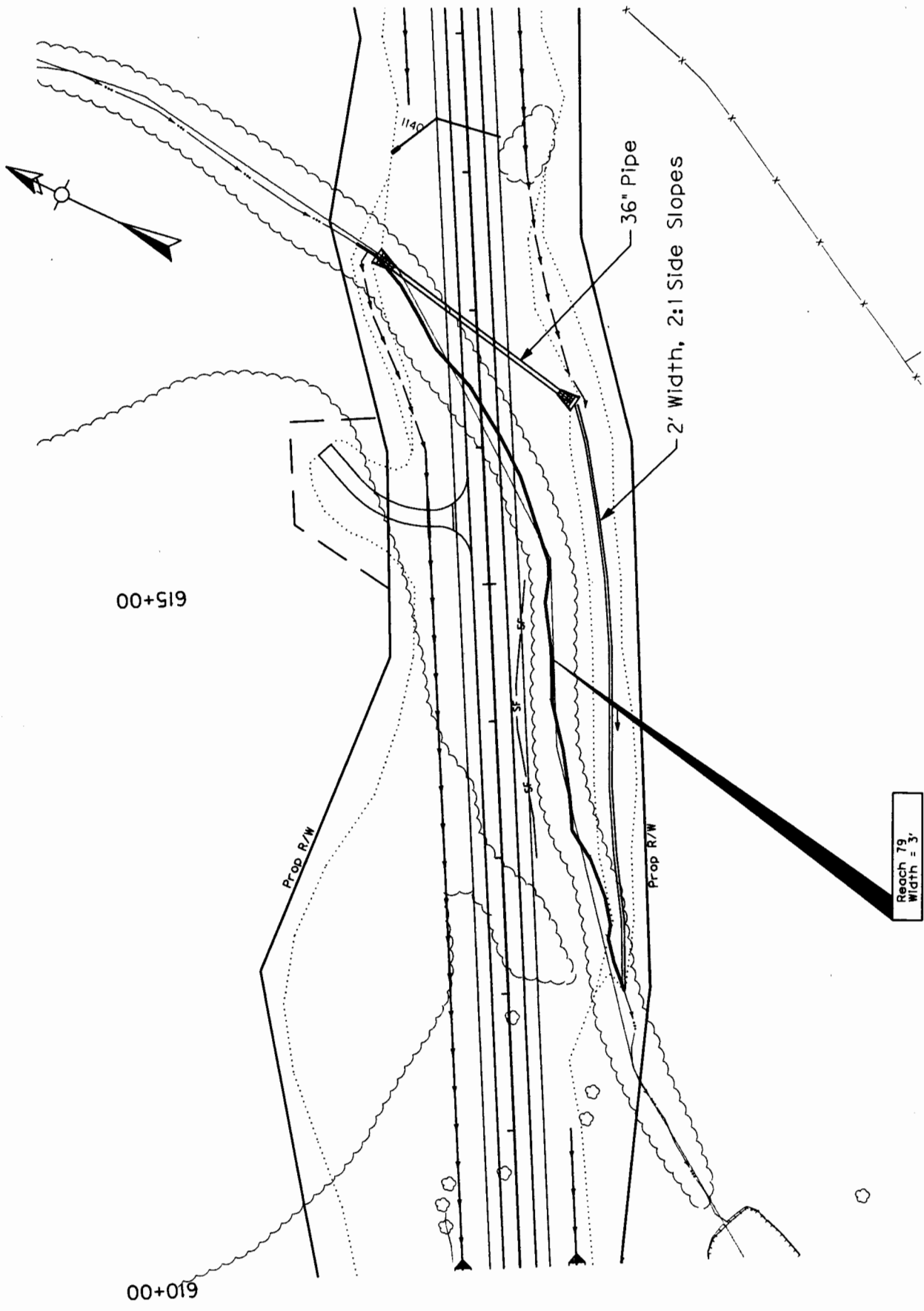
1"=10' Horiz



PN 06-142
 FN 2006-02217
 APPLICANT: KENTUCKY TRANSPORTATION CABINET
 PARROT/ANNVILLE, KY USGS QUADRANGLE

SCALE 1"=100'

Kentucky Transportation	PROJECT: KY 30 - DETAIL OF SITE 25			STREAM:	
	COUNTY: LAUREL-JACKSON	STATE: KENTUCKY	STA 566+40 to STA 577+60	ITEM: 11-278.24	PLAN SHEET 59



PN 06-142
 FN 2006-02217
 APPLICANT: KENTUCKY TRANSPORTATION CABINET
 PARROT/ANNVILLE, KY USGS QUADRANGLE

SCALE 1"=100'

**Kentucky
 Transportation**

PROJECT: KY 30 - DETAIL OF SITE 29

STREAM:

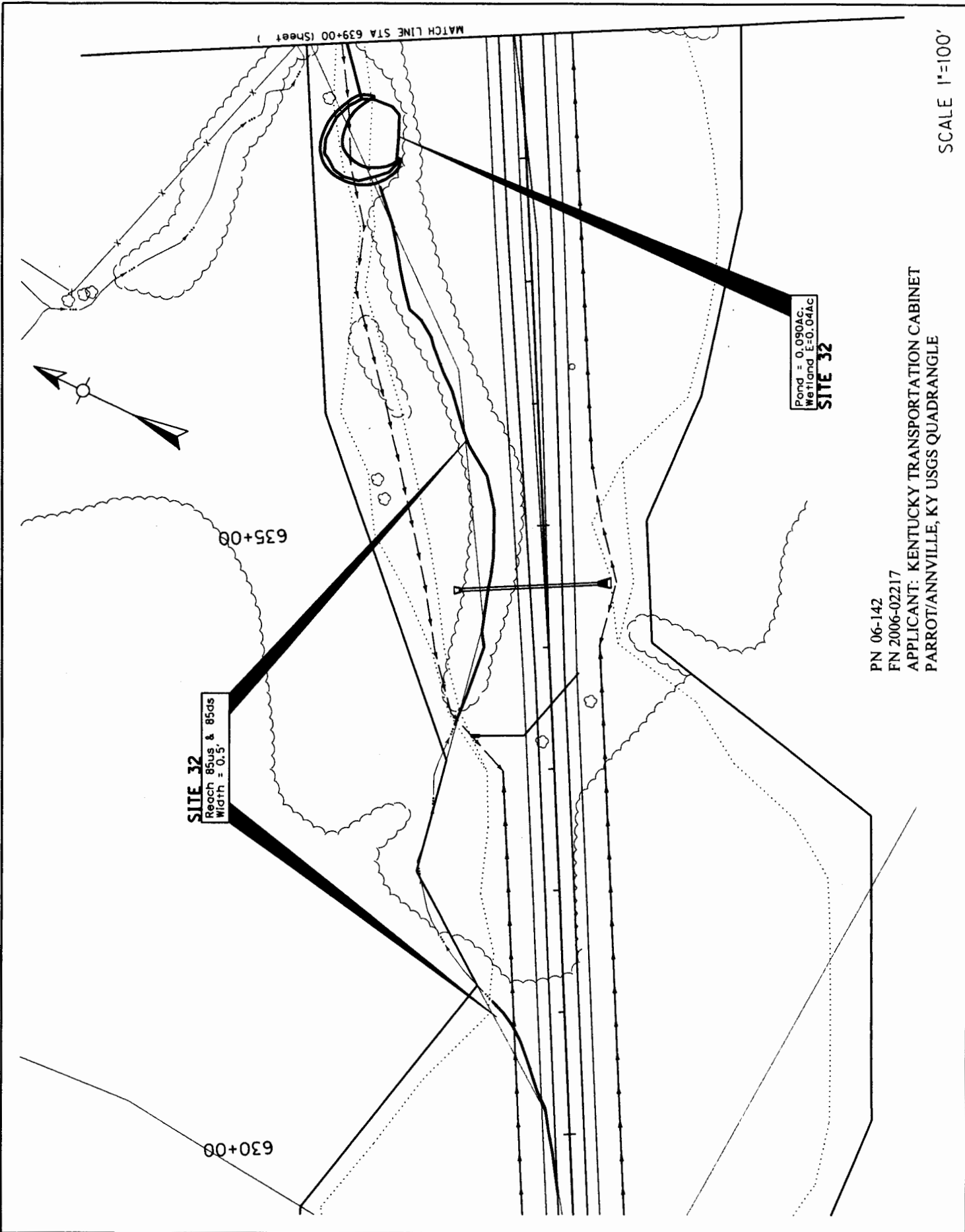
COUNTY: LAUREL-JACKSON

STATE: KENTUCKY

STA 610+00 to STA 619+20

ITEM: 11-278.24

PLAN SHEET 60



SCALE 1"=100'

PN 06-142
 FN 2006-02217
 APPLICANT: KENTUCKY TRANSPORTATION CABINET
 PARROT/ANNVILLE, KY USGS QUADRANGLE

SITE 32
 Rec'd 85us & 85ds
 Width = 0.5'

Pond = 0.090AC
 Wetland E=0.04AC
SITE 32

635+00

630+00

MATCH LINE STA 639+00 (Sheet 1)

**Kentucky
 Transportation**

PROJECT: KY 30 - DETAIL OF SITE 32

STREAM:

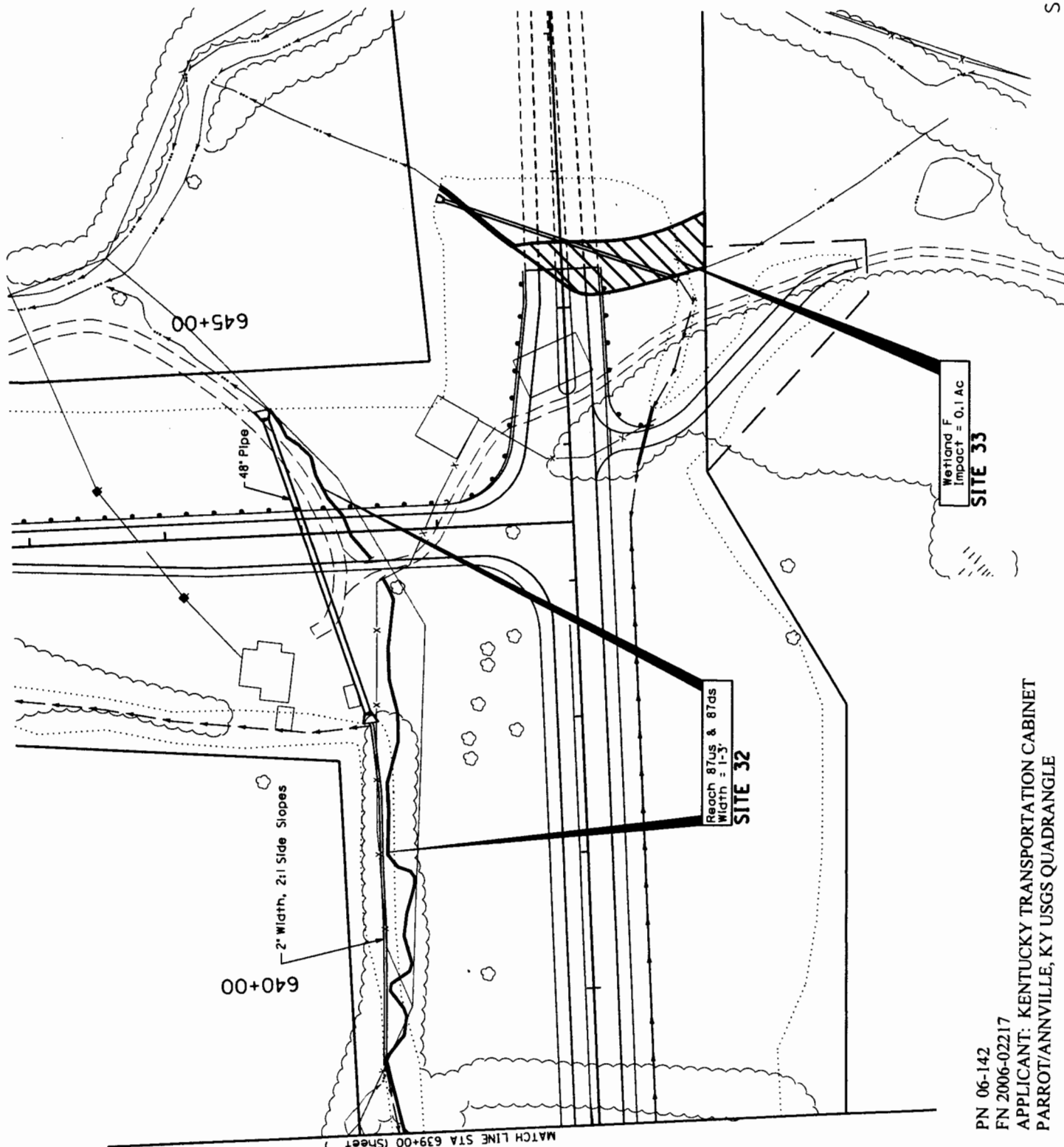
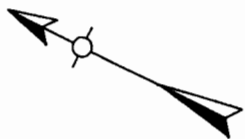
COUNTY: LAUREL-JACKSON

STATE: KENTUCKY

STA 629+30 to STA 639+00

ITEM: 11-278.24

PLAN SHEET 61



SCALE 1"=100'

PN 06-142
FN 2006-02217
APPLICANT: KENTUCKY TRANSPORTATION CABINET
PARROT/ANNVILLE, KY USGS QUADRANGLE

**Kentucky
Transportation**

PROJECT: KY 30 - DETAIL OF SITE 32

STREAM:

COUNTY: LAUREL-JACKSON

STATE: KENTUCKY

STA 639+00 to STA 646+00

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PLAN SHEET 62